

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, SEPTEMBER 8, 1998  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:15 a.m. Mayor Golding recessed the regular meeting at 10:57 a.m. to convene the Housing Authority. Mayor Golding adjourned the Housing Authority at 10:58 a.m., and to convene as the Redevelopment Agency thereafter. Mayor Golding reconvened Council at 11:00 a.m. with all members present. The meeting was recessed by Mayor Golding at 12:10 p.m. to reconvene at 2:00 p.m.

Mayor Golding reconvened the meeting at 2:12 p.m. with all Council Members present. Mayor Golding recessed the regular meeting at 2:39 p.m. to reconvene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 2:42 p.m. with all Council Members present. Mayor Golding recessed the regular meeting at 5:29 p.m. to reconvene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 6:24 p.m. with all Council Members present. Mayor Golding adjourned the meeting at 6:29 p.m. into Closed Session immediately following in the twelfth floor conference room to discuss real property negotiations.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present

- (5) Council Member Warden-present
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Fishkin (pr/lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Richard Dresselhaus  
of the First Assembly of God Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding "who profits from debt" and his request that all voters vote no on all bond issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-054.)

ITEM-PC-2:

Comment by Scott McLachlan regarding his questions about the MOU between the City and Padres for a new Ballpark.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-070.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Comment by Amali E. Solorzano regarding her request that the City Council provide protection for the endangered species whose habitat is Balboa Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A071-094.)

ITEM-PC-4: REFERRED TO CITY MANAGER

Comment by Rich Pearson regarding damage to his property, out-of-pocket expenses and choosing between health issues and his business as a result.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A098-121.)

ITEM-PC-5:

Comment by Lula Baker regarding the homeless and her request that the City provide emergency housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A122-145.)

ITEM-PC-6:

Comment by Lawrence Lamb regarding belonging to the Veterans Memorial Day Committee and the Mt. Soledad controversy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A356-374.)

COUNCIL COMMENT:

NONE.

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

7/20/98  
7/21/98  
7/21/98 Special Joint Meeting  
7/27/98  
7/28/98  
7/28/98 Special Joint Meeting  
8/03/98  
8/04/98  
8/07/98 Special Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A148-150.)

MOTION BY WARDEN TO APPROVE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: First Unitarian Universalist Church of San Diego Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-99-95) ADOPTED AS RESOLUTION R-290621

Commending the Reverends Carolyn and Tom Owen-Towle and the congregation of the First Unitarian Universalist Church of San Diego for 125 years of exemplary community service;

Proclaiming September 8, 1998 to be "First Unitarian  
Universalist Church of San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A157-225.)

MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: San Ysidro Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-273) ADOPTED AS RESOLUTION R-290622

Celebrating the 90th Anniversary of the establishment  
of the San Ysidro Community and declaring September 8,  
1998 to be "San Ysidro Day" in San Diego in  
appreciation for their outstanding efforts and goodwill  
to our community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A227-319.)

MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-50:

**SUBJECT:** Additional Restrictions on Alcohol Consumption in Beach Areas.

(Mission Bay Park, Mission Beach, and Pacific Beach Community Areas. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/27/98. (Council voted 8-1. Councilmember Stevens voted nay):

(O-98-157)            ADOPTED AS ORDINANCE O-18582 (New Series)

Amending Section 56.54 of the San Diego Municipal Code relating to Alcohol Consumption in Beach Areas, to amend the alcohol ban at all of the City beaches and adjacent parks where it is currently 8:00 p.m - 8:00 a.m. to 8:00 p.m. to noon.

The areas affected by the new 16-hour ban include: All beaches on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park that are not included in Section 56.54(b); and all land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).

**FILE LOCATION:**            MEET

**COUNCIL ACTION:**            (Tape location: D379-383.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-51:

SUBJECT: Amendment to the Mid-City Communities Planned District Ordinance.

(Mid-City Community Area. Districts-3, 4, and 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/4/98. (Council voted 9-0):

(O-99-25 Cor.Copy) ADOPTED AS ORDINANCE O-18574 (New Series)

Amending Chapter X, Article 3, Division 15, of the San Diego Municipal Code by amending Sections 103.1501, 103.1503, and 103.1504 relating to the Mid-City Communities Planned District Ordinance to restrict residential development in selected areas of the Mid-City Communities pending the provision of adequate public facilities.

FILE LOCATION: LAND-Progress Guide and General Plan-Mid City Communities Planned (9)

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



\* ITEM-52:

**SUBJECT:** Rezoning 93 acres in connection with the Sabre Springs Comprehensive Community Plan Amendment.

(RZ-35-0419. Sabre Springs Community Area.  
District-5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/4/98. (Council voted 9-0):

(O-99-27) ADOPTED AS ORDINANCE O-18575 (New Series)

Rezoning 93 acres generally bounded on the west by Interstate 15, on the east by the San Diego City Limits, on the north by the Carmel Mountain Ranch Planning Area and on the south by the Miramar Ranch North Planning Area, to MIP (portion of Community Plan Parcel 3), to R1-5000/PRD (Parcel 11), to R-1500/PRD effective from 6/2001 (Parcel 15), to R-1500/PRD (portion of Parcel 27, to R-1500/PRD (portion of Parcel 27) to CN/PCD (portion of Parcel 27) to R1-5000/PRD (Parcels 28, 29, 30) to R1-5000/PRD (Parcel 35) to R1-5000/PRD (Parcel 36).

**FILE LOCATION:** LAND-Progress Guide and General Plan-Sabre Spring Community Plan (10)

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-53:

**SUBJECT:** Conditionally Rezoning a 66.67-acre site (The Mira Mesa Marketcenter Project Site).

(RZ-96-7371. Mira Mesa Community Area. District-5.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/4/98. (Council voted 9-0):

(O-98-158) ADOPTED AS ORDINANCE O-18576 (New Series)

Conditionally rezoning a 66.67-acre site (The Mira Mesa Marketcenter Project Site), located on the southwest corner of Interstate 15, and Mira Mesa Boulevard into the CA Zone.

**FILE LOCATION:** LAND-Progress Guide and General Plan.  
Mira Mesa Community Plan Mira Mesa  
Market Center (9)

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-54:

**SUBJECT:** Rezoning 1.27 acres located at 11260 El Camino Real (Buie office complex).

(Sorrento Hills Community Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on  
8/4/98. (Council voted 9-0):

(O-99-26) ADOPTED AS ORDINANCE O-18577 (New  
Series)

Rezoning 1.27 acres located at 11260 El Camino Real  
into the M-IP (Manufacturing Industrial Park) Zone.

FILE LOCATION: LAND-Sorrento Hills Community Plan Buie  
Office Complex (10)

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND  
ADOPT THE ORDINANCE. Second by Stevens. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

\* ITEM-55:

**SUBJECT:** Conditionally Rezoning 91 Acres in Connection with the  
Robinhood Ridge Precise Plan.

(District-8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on  
7/28/98. (Council voted 9-0):

(O-99-9) ADOPTED AS ORDINANCE O-18578 (New Series)

Conditionally rezoning 91 acres bounded on the east by Otay Valley Road and on the north by the San Diego City limits, identified on Map-B-4107, within the Robinhood Ridge Precise Plan and the Otay Mesa Community Plan Area, into R-1-5000 and R-1750 Zones.

FILE LOCATION: LAND-Progress Guide and General Plan.  
Otay Mesa Community Plan (9) Robinhood Ridge

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-56:

SUBJECT: Three actions related to Approving Purchase Agreements, the Master Rezone and Development Agreement in connection with Pacific Highlands Ranch - Subarea III.

(North City Future Urbanizing Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced as amended on 7/28/98. (Council voted 9-0):

Subitem-A: (O-99-14) ADOPTED AS ORDINANCE O-18579 (New Series)

Authorizing the City Manager to execute Purchase Agreements with the applicant for the acquisition of public facility sites for two neighborhood parks, a

portion of a community park, a fire station, and a branch library as designated in the Draft Pacific Highlands Ranch Subarea Plan.

Subitem-B: (O-99-22) ADOPTED AS ORDINANCE O-18580 (New Series)

Approving the Master Rezone for Pacific Highlands Ranch - Subarea III in the North City Future Urbanizing Area.

Subitem-C: (O-99-23) ADOPTED AS ORDINANCE O-18571 (New Series)

Approving the Development Agreement for Pacific Highlands Ranch with the applicant.

FILE LOCATION: SUBITEMS A, B, C: LAND-Progress Guide and General Plan. Pacific Highland Ranch Subarea III (9)

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-57:

SUBJECT: Fire Station Site Purchase Agreement with Black Mountain Ranch Limited Partnership.

(North City Future Urbanizing Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance which was introduced on 7/28/98. (Council voted 9-0):

(O-99-24) ADOPTED AS ORDINANCE O-18581 (New Series)

Authorizing the City Manager to execute Fire Station Site Purchase Agreement with Black Mountain Ranch Limited Partnership for the development of a designated fire station in the Black Mountain Ranch Subarea I Neighborhood.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-58:

SUBJECT: Amending the Carmel Valley Planned District Ordinance in Connection with Carmel Valley Neighborhood 8C-Option One.

(District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/28/98. (Council voted 9-0):

(O-99-13) ADOPTED AS ORDINANCE O-18583 (New Series)

Amending Chapter X, Article 3, Division 6, of the San Diego Municipal Code by amending Section 103.0602, relating to the Carmel Valley Planned District

Regulations, Area of Applicability, (Carmel Valley  
Planned District Ordinance).

FILE LOCATION: LAND - Progress Guide and General Plan;  
Carmel Valley Neighborhood 8C (9)

COUNCIL ACTION: (Tape location: D390-G370.)

MOTION BY MATHIS TO INCORPORATE AS PART OF THE MOTION FOR  
ITEM 330, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES  
FOR ITEMS 58, 59, AND 60, AND CORRECT DOCKET ITEM NO. 59,  
THE 8A DRAFT ORDINANCE, TO CONFORM TO REVISED TENTATIVE MAP  
VTM-96-7929. THIS IS TO REFLECT THE FACT THAT FOR THE  
DWELLING UNIT COUNT, LOMA SORRENTO HAD ONE UNIT MOVED UP  
FROM THE VALLEY WITHOUT INCREASING THE FOOTPRINT. THIS  
WOULD REFLECT 50 RESIDENTIAL, VERY LOW UNITS (THOSE ARE THE  
ONES ON THE UPPER PART), 127 RESIDENTIAL LOW UNITS IN THE  
VALLEY, AND 3 RESIDENTIAL LOW UNITS SOUTH OF STREET A.  
Second by McCarty. Passed by the following vote (with the  
exception of Torrey Pines): Mathis-yea; Wear-yea; Kehoe-nay;  
Stevens-yea; Warden-yea; Stallings-nay; McCarty-yea;  
Vargas-nay; Mayor Golding-nay.

Torrey Pines portion only: Passed by the following vote:  
Mathis-yea; Wear-nay; Kehoe-nay; Stevens-yea; Warden-yea;  
Stallings-nay; McCarty-yea; Vargas-nay; Mayor Golding-yea.

ITEM-59:

SUBJECT: Amending the Carmel Valley Planned District Ordinance  
in Connection with the Neighborhood 8A Specific  
Plan/Precise Plan.

(Carmel Valley Community Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/4/98. (Council voted 9-0; Councilmember McCarty voted nay on the portion redesigning the project):

(O-99-29) ADOPTED AS ORDINANCE O-18584 (New Series)

Amending Chapter X, Article 3, Division 6, of the San Diego Municipal Code by amending Section 103.0602, relating to the Carmel Valley Planned District Regulations, Area of Applicability.

FILE LOCATION: LAND - Progress Guide and General Plan; Carmel Valley Neighborhood 8A (9)

COUNCIL ACTION: (Tape location: D390-G370.)

MOTION BY MATHIS TO INCORPORATE AS PART OF THE MOTION FOR ITEM 330, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEMS 58, 59, AND 60, AND CORRECT DOCKET ITEM NO. 59, THE 8A DRAFT ORDINANCE, TO CONFORM TO REVISED TENTATIVE MAP VTM-96-7929. THIS IS TO REFLECT THE FACT THAT FOR THE DWELLING UNIT COUNT, LOMA SORRENTO HAD ONE UNIT MOVED UP FROM THE VALLEY WITHOUT INCREASING THE FOOTPRINT. THIS WOULD REFLECT 50 RESIDENTIAL, VERY LOW UNITS (THOSE ARE THE ONES ON THE UPPER PART), 127 RESIDENTIAL LOW UNITS IN THE VALLEY, AND 3 RESIDENTIAL LOW UNITS SOUTH OF STREET A. Second by McCarty. Passed by the following vote (with the exception of Torrey Pines): Mathis-yea; Wear-yea; Kehoe-nay; Stevens-yea; Warden-yea; Stallings-nay; McCarty-yea; Vargas-nay; Mayor Golding-nay.

Torrey Pines portion only: Passed by the following vote: Mathis-yea; Wear-nay; Kehoe-nay; Stevens-yea; Warden-yea; Stallings-nay; McCarty-yea; Vargas-nay; Mayor Golding-yea.



ITEM-60:

**SUBJECT:** Approving the Carmel Valley Neighborhood 8A Specific Plan/Precise Plan.

(Carmel Valley Community Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/4/98. Council voted 9-0. Councilmember McCarty voted nay on the portion regarding redesigning of the project in the Loma Sorrento Parcel:

(O-99-28 Rev. 8/6/98)      ADOPTED AS ORDINANCE O-18572  
(New Series)

Approving the Carmel Valley Neighborhood 8A Specific Plan/Precise Plan.

**FILE LOCATION:**              LAND - Progress Guide and General Plan;  
Carmel Valley Neighborhood 8A (9)

**COUNCIL ACTION:**            (Tape location: D390-G370.)

MOTION BY MATHIS TO INCORPORATE AS PART OF THE MOTION FOR ITEM 330, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEMS 58, 59, AND 60, AND CORRECT DOCKET ITEM NO. 59, THE 8A DRAFT ORDINANCE, TO CONFORM TO REVISED TENTATIVE MAP VTM-96-7929. THIS IS TO REFLECT THE FACT THAT FOR THE DWELLING UNIT COUNT, LOMA SORRENTO HAD ONE UNIT MOVED UP FROM THE VALLEY WITHOUT INCREASING THE FOOTPRINT. THIS WOULD REFLECT 50 RESIDENTIAL, VERY LOW UNITS (THOSE ARE THE ONES ON THE UPPER PART), 127 RESIDENTIAL LOW UNITS IN THE VALLEY, AND 3 RESIDENTIAL LOW UNITS SOUTH OF STREET A. Second by McCarty. Passed by the following vote (with the exception of Torrey Pines): Mathis-yea; Wear-yea; Kehoe-nay; Stevens-yea; Warden-yea; Stallings-nay; McCarty-yea; Vargas-nay; Mayor Golding-nay.

Torrey Pines portion only: Passed by the following vote:  
Mathis-yea; Wear-nay; Kehoe-nay; Stevens-yea; Warden-yea;  
Stallings-nay; McCarty-yea; Vargas-nay; Mayor Golding-yea.

\* ITEM-100:

**SUBJECT:** Four actions related to the Final Subdivision Map of  
Mercy Road Homes Unit No. 1.

(A 59-lot subdivision. Mira Mesa Community Area.  
District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-210) ADOPTED AS RESOLUTION R-290623

Authorizing a Subdivision Improvement Agreement with  
Presley Mercy Associates, LLC, for the installation and  
completion of public improvements.

Subitem-B: (R-99-209 COR.COPY) ADOPTED AS RESOLUTION  
R-290624

Approving the final map.

Subitem-C: (R-99-211) ADOPTED AS RESOLUTION R-290625

Authorizing a Landscape Maintenance Agreement with  
Presley Mercy Associates, LLC, for the maintenance and  
monitoring of landscaping within the public rights-of-  
way.

Subitem-D: (R-99-212) ADOPTED AS RESOLUTION R-290626

Accepting a grant deed of Presley Mercy Associates, LLC, granting to the City all that portion of the southerly 725 feet of the Northwest Quarter of the Southeast Quarter of Section 20, Township 14 South, Range 2 West, San Bernardino Base and Meridian, for open space purposes.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 5.719 acre site into 59 lots for residential development. It is located northeast of Mercy Road in the Mira Mesa Community Plan area. On December 2, 1997 the Council of the City of San Diego approved Planned Residential Development (PRD)/Resource Protection Ordinance (RPO) Permit No. 96-7108 Mercy Road Homes.

The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. City Council is required to give final approval of all final maps and agreements. Resolution R-289511 adopted on December 2, 1997 vacates Alemania Road in connection with Mercy Road Homes when the final subdivision map is approved by the City Council and the City is compensated at the fair market value.

The final map and sale are being presented to the City Council as companion items. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28882-1-D through 28882-34-D, filed in the Office of the City Clerk under Micro Number 139.82. All improvements are to be completed within two years. The Engineer's estimate for the cost of the public improvements is \$1,067,507.00 and a Performance Bond in that amount has been provided as surety.

A cash bond in the amount of \$5,200.00, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of

building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance.

Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development." Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility.

**NOTE:** See Item 101 on today's docket for a companion item.

**FILE LOCATION:** SUBITEMS A, B, C: SUBD- Mercy Road Homes  
Unit No. 1; SUBITEM D: DEED F-7314

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

**SUBJECT:** Exclusive Sale - Portion of Alemania Road.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-98-1167) ADOPTED AS RESOLUTION R-290627

Authorizing the exclusive sale of a 0.14-acre vacated portion of Alemania Road, for \$27,600, which amount has been established by an independent appraisal to be fair market value, and which is an undeveloped and unneeded City-owned street near Mercy Road in northeastern Mira Mesa;

Authorizing the execution of a grant deed, conveying the property to Presley Mercy Associates, LLC.

**CITY MANAGER SUPPORTING INFORMATION:**

Proposed for sale to Presley Homes is a 0.14-acre portion of Alemania Road, which is an undeveloped and unneeded City-owned street near Mercy Road in northeastern Mira Mesa. Presley Homes plans to incorporate this parcel into its Mercy Road Homes single-family residential subdivision, as shown on the approved tentative map. The subject portion of Alemania Road will be vacated with approval of the final subdivision map, and the sale of the vacated area will take place concurrently with the recordation of the final map. The final map and sale are being presented to the City Council as companion items. The value of the street area to be vacated was determined by independent fee appraisal to be \$27,600, as of March 19, 1998.

**NOTE:** See Item 100 on today's docket for a companion item.

FILE LOCATION: DEED F-7315

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102:

**SUBJECT:** Easement Abandonment - Landscaping Easement in Lot 65,  
Map-12605.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-187) ADOPTED AS RESOLUTION R-290628

Vacating the landscape easement in Lot 65, of Carmel  
Valley Neighborhood 4, Unit 8, Map-12605 under Section  
8330 et seq. of the California Streets and Highways  
Code.

**CITY MANAGER SUPPORTING INFORMATION:**

Pardee Construction Company has requested the abandonment of this  
City landscape easement in order to install enhanced landscaping  
over the parcel which will be privately maintained. The easement  
was granted to the City on Map-12605 recorded on April 20, 1990  
with additional easement area per document 1997-0190626 at no  
cost, and is no longer needed. Staff review of the easement  
abandonment has indicated that the four findings of abandonment  
can be made and recommends that this easement be summarily  
abandoned.

**FILE LOCATION:** DEED F-7316

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:

**SUBJECT:** Sale of City Property - The Otay Ranch Company - Chula Vista.

(City of Chula Vista.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-255) ADOPTED AS RESOLUTION R-290629

Authorizing the City Manager or his designee to execute a grant deed, granting to Otay Ranch Company, all of the City's right, title and interest for a portion of the Rice Aqueduct.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego's Water Department owns an underground pipeline that runs from Otay Lake to Lake Murray. The pipeline is adjacent to a proposed Eastlake subdivision east of lower Otay Lake in the City of Chula Vista. In order for the City of Chula Vista to approve the proposed subdivision, the developer, The Otay Ranch Company must purchase two sections of the pipeline right-of-way for street improvements. The underlying pipeline will not be affected and the Water Department will retain a pipeline easement. The subject properties contain approximately 31,000 square feet. The Water Department has reviewed and approved this sale. The City Valuation staff has approved the value of \$8,700 for both subject properties.

**FILE LOCATION:** DEED F-7317

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

**SUBJECT:** Public Benefit Conveyance of City-Owned Land -  
Commercial Vehicle Bypass Project.

(Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-201 COR.COPY) ADOPTED AS RESOLUTION R-290630

Authorizing the execution of two easement deeds,  
granting to the State of California and to the United  
States of America, all of the City's right, title and  
interest in the road easements over portions of City-  
owned Parcel 5 of Parcel Map PM-15261, for the  
Commercial Vehicle Bypass Project.

**CITY MANAGER SUPPORTING INFORMATION:**

The City owns a 150-foot-wide strip of land along the U.S.-Mexico border on the east side of the Otay Mesa border crossing, which had been acquired by the City at no cost from a subdivider. The City Council last May approved the public benefit conveyance of the southerly 100 feet of this strip of land, along with a series of other City-owned strips, to the federal government for the second border fence, and the City is in the process of transferring the title.



The City retained ownership of the northerly 50-foot width of the subject strip of land as it is needed for the Commercial Vehicle Bypass Project. The project began with the construction in 1994 by the federal government of the new Otay Mesa port of entry and inspection station for commercial trucks.

The State of California recently completed its own nearby commercial truck inspection and weigh station. Trucks currently must travel between the two inspection stations on City streets, which adds to traffic congestion and places heavy wear on the streets.

City, state, and federal engineers devised a plan to divert the trucks away from City streets and onto a special bypass road to be developed along the northerly 50 feet of the City's strip of land. The state agreed to pay the \$3 million cost to construct the bypass road if the City would grant road easements over the strip of land to the state and federal governments at no charge. The state and federal governments will maintain their respective portions of the bypass road at their expense. The value of the easement rights is \$259,000 as determined by independent fee appraisal and approved by City staff. The cost of the bypass road and direct benefit to the City far outweigh the value of the road easements, which are therefore being recommended for public benefit conveyance.

FILE LOCATION: DEED F-7318

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

**SUBJECT:** Vacating a Portion of Fourth Avenue South of "K" Street.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-237) ADOPTED AS RESOLUTION R-290631

Approving the summary vacation of a portion of Fourth Avenue south of "K" Street, in accordance with Section 8300 et. seq. of the California Streets and Highways Code.

**CITY MANAGER SUPPORTING INFORMATION:**

The vacation of Fourth Avenue south of "K" Street has been requested by Harbor Fifth Avenue Associates, LP, a California Limited Partnership, in order to construct a hotel, restaurant and commercial space called "Bridgeworks Hotel." The segment of Fourth Avenue proposed for vacation totals .404 acres and is located in CCDC, on the boundary between the Gaslamp District and the Marina Redevelopment Area.

On November 17, 1997, CCDC approved the vacation. Fourth Avenue contains no public improvements. Staff review of the vacation indicates that the required four findings of vacation can be made and recommends that the right of way be summarily vacated conditioned upon the closing of the vacated portion of Fourth Avenue with standard curb, gutter and sidewalk.

FINDINGS: Staff review has indicated that the right-of way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

FILE LOCATION: STRT-J-2889

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

**SUBJECT:** Three actions related to the Carmel Valley Neighborhood  
10 Maintenance Assessment District.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-260) ADOPTED AS RESOLUTION R-290632

Adoption of a Resolution to form the Carmel Valley  
Neighborhood 10 Maintenance Assessment District.

Subitem-B: (R-99-262) ADOPTED AS RESOLUTION R-290633

Adoption of a Resolution preliminarily approving the  
City Engineer's Report.

Subitem-C: (R-99-261) ADOPTED AS RESOLUTION R-290634

Adoption of a Resolution of Intention to levy and  
collect 1998-1999 annual assessments on Carmel Valley  
Neighborhood 10 Maintenance District.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes the Carmel Valley Neighborhood 10 Maintenance Assessment District and establishes the Fiscal Year 1999 assessments. The district is located north of Penasquitos Canyon Preserve and east of the Sorrento Hills Planning Area with proposed landscaped improvements along Carmel Country Road and Carmel Mountain Road.

The district is being established to provide maintenance for 1.80 acres of landscape medians, 0.74 acres of paved medians, 4.10 acres of landscaped right-of-way, 5.01 acres of paved right-of-way, 5.00 acres of landscape slope, 280.80 acres of natural open space, 28,800 lineal feet of gutters, and a 12 acre developed park.

The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

<u>DESCRIPTION</u>	<u>OPERATIONS</u>	<u>FUND</u> <u>RESERVE</u>	<u>TOTAL</u>
<b>BEGINNING BALANCE</b>	\$ 0.00	\$ 0.00	\$ 0.00
<b>REVENUE:</b>			
Assessments	\$23,750.00	\$ 0.00	\$23,750.00
<b>TRANSFER:</b>	( 0.00)	0.00	0.00
<b>EXPENSE:</b>			
Personnel	\$ 0.00	\$ 0.00	\$ 0.00
Contractual	0.00	0.00	0.00
Incidental	<u>23,750.00</u>	<u>0.00</u>	<u>23,750.00</u>
<b>TOTAL EXPENSE</b>	\$23,750.00	\$ 0.00	\$23,750.00
<b>ENDING BALANCE</b>	\$ 0.00	\$ 0.00	\$ 23,750.00

The proposed assessment for Fiscal Year 1999 is \$15.31 per equivalent benefitting unit(EBU). The maximum authorized

assessment is \$169.41 per EBU indexed annually to the San Diego Consumer Price Index-Urban Consumers. The district contains 1,550.94 equivalent benefitting units.

FILE LOCATION: SUBITEMS A, B, C: STRT-M-414-99

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107:

SUBJECT: Cortez Hill (7th Avenue to 10th Avenue, A Street to Cedar Street) Underground Utility District.

(Centre City Community Area. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-225) ADOPTED AS RESOLUTION R-290635

Designating November 17, 1998 as the date upon which all property in the Cortez Hill (7th Avenue to 10th Avenue, A Street to Cedar Street) Underground Utility District must be ready to receive underground service and February 5, 1999 as the date for the removal of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open Fund 78100 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Cortez Hill (7th Avenue to 10th Avenue, A Street to Cedar Street) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the Cortez Hill (7th Avenue to 10th Avenue, A Street to Cedar Street) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed.

**CITY MANAGER SUPPORTING INFORMATION:**

The Cortez Hill (7th Avenue to 10th Avenue, A Street to Cedar Street) Underground Utility District was created by the City Council on June 9, 1998. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set November 17, 1998 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish February 5, 1999 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is

sufficient to cover the entire cost for the trenching.  
Reimbursement does not include the cost of modifications to the  
electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT-K-247

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108:

SUBJECT: CCDC Area 1, Phase 1, Market Street to K Street (6th  
Avenue to 12th Avenue) Underground Utility District.

(Centre City Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-224) ADOPTED AS RESOLUTION R-290636

Designating January 4, 1999 as the date upon which all  
property in the CCDC Area 1, Phase 1, Market Street to  
K Street (6th Avenue to 12th Avenue) Underground  
Utility District must be ready to receive underground  
service and April 21, 1999 as the date for the removal  
of all overhead utility facilities;

Authorizing the City Auditor and Comptroller to open  
Fund 78100 for the purpose of depositing Public  
Utilities Commission Case 8209 Utility Undergrounding  
Allocation Funds for the CCDC Area 1, Phase 1, Market  
Street to K Street (6th Avenue to 12th Avenue)  
Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the CCDC Area 1, Phase 1, Market Street to K Street (6th Avenue to 12th Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Auditor and Comptroller to return to SDG&E any undisbursed funds upon written notice from SDG&E to the City that all electrical service conversions within this particular district have been completed.

**CITY MANAGER SUPPORTING INFORMATION:**

The CCDC Area 1, Phase 1, Market Street to K Street (6th Avenue to 12th Avenue) Underground Utility District was created by the City Council on June 9, 1998. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set January 4, 1999 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish April 21, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is



sufficient to cover the entire cost for the trenching.  
Reimbursement does not include the cost of modifications to the  
electrical service box which typically ranges from \$300-\$1,500.

FILE LOCATION: STRT-K-246

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109:

SUBJECT: Local Law Enforcement Block Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-191) ADOPTED AS RESOLUTION R-290637

Authorizing the Chief of Police, on behalf of the City  
Manager and the City of San Diego, to apply for, accept  
and expend the Local Law Enforcement Block Grant in the  
amount of \$2,973,710, to be used for lab, computer,  
vehicle, and miscellaneous equipment and maintenance  
which will contribute to the efficiency and safety of  
law enforcement and crime prevention services;

Authorizing the City Manager to execute all aspects of  
the project operation including any amendments,  
extensions, or renewals for a period of up to five  
years, provided funding is made available by the U.S.  
Department of Justice, Office of Community Oriented  
Policing Services (COPS), and to certify that the City  
will comply with all applicable statutory or regulatory  
requirements related to the program;

Authorizing the City Manager to commit the required matching funds in the amount of \$330,413 in compliance with the requirements of the Local Law Enforcement Block Grant Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110:

SUBJECT: Accept Grant Funding for Coastal Low Flow Storm Drain  
Diversion Project.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-203) ADOPTED AS RESOLUTION R-290638

Authorizing the City Manager to accept, on behalf of the City, a \$150,000 EDI-Special Project grant, as directed by the Congress in the VA-HUD-Independent Agencies Appropriations Act for 1998 (H.R. 2158);

Authorizing the City Auditor and Comptroller to appropriate and transfer an amount not to exceed \$150,000 EDI-Special Project grant to CIP-12-124.0, Coastal Low Flow Storm Drain Diversion;

Authorizing the expenditure of an amount not to exceed \$150,000 from CIP-12-124.0 (EDI-Special Project), for providing funds for engineering and construction of Coastal Low Flow Storm Drain Diversion Project Phase I-B.

**CITY MANAGER SUPPORTING INFORMATION:**

The Coastal Low Flow Storm Drain diversion project (CIP-12-124.0) was established in the FY 98 CIP budget. The project provides for diversion of dry weather low flow nuisance runoff and sewer overflows preventing pollution of the beach.

An EDI (Economic Development Initiative) - Special Project grant, as directed by Congress in the VA-HUD-Independent Agencies was sought by the City to partially fund the project. Application for the EDI-Special Project grant was supported by Congressman Brian Bilbray. The Coastal Low Flow Storm Drain Diversion Project was specified in House Report No. 105-297 (the Conference Report on the 1998 Appropriations Act for HUD and other agencies). This action provides \$150,000 for engineering and construction in FY 99.

Aud. Cert. 9900115.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111:

**SUBJECT:** Redwood Street Storm Drain Project.

(Uptown Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-150) ADOPTED AS RESOLUTION R-290639

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$2,500 from CIP-12-104.0, Redwood Street Storm Drain Project, for the acquisition of required property rights, title, escrow and miscellaneous costs;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$40,000 from CIP-12-108.0, Fund 10508, 26th Street and Imperial Avenue Storm Drain Construction, to CIP-12-104.0, Redwood Street Storm Drain, for additional construction and design costs.

**CITY MANAGER SUPPORTING INFORMATION:**

This storm drain project requires the acquisition of easements and temporary construction areas across three ownerships. Each of the owners have accepted the City's offer and this Council action will provide funds for the payment of the property rights acquired.

This project proposes to extend and realign the existing drainage system in order to prevent street drainage from overtopping the sidewalk and stop ongoing erosion of the private slope. The new storm drain system will require two inlets, two cleanouts, three masonry cutoff walls and acquisition of a storm drain easement.

These items were not originally included in the storm drain project, therefore additional funds in the amount of \$40,00 are required. Funding is available from the 26th Street and Imperial Avenue Storm Drain Construction Project which has been delayed

due to issues associated with MTDB's trolley line. The total estimated cost of this project is \$140,000. \$100,000 was previously authorized and programmed for this work in the CIP-12-104.0. The additional project cost of \$40,000 is available in Fund 10508, CIP-12-108.0.

Aud. Cert. 9900070.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-112:

**SUBJECT:** Transfer of Funds - Pacific Beach Recreation Center  
Addition.

(Pacific Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-238) ADOPTED AS RESOLUTION R-290675

Authorizing the City Auditor and Comptroller to  
transfer \$14,564 from the Park and Recreation Building  
Permit Fee, District F, Fund No. 17000, and \$11,756  
from the Pacific Beach Major Park District (PSD) Fund  
No. 11510 to CIP-29-765.0, Pacific Beach Community Park  
Requirements, Phase 1;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$6,620 from CIP-44-001.0/CIP-44-214.3, Annual Allocation - Sewer Main Replacements, Sewer Fund No. 41506, and \$26,320 from CIP-29-765.0, Pacific Beach Community Park Requirements, Phase I, for the purpose of completing the construction of the Pacific Beach Recreation Center addition.

**CITY MANAGER SUPPORTING INFORMATION:**

The Pacific Beach Recreation Center is located at 1405 Diamond Street east of Gresham Street in the Pacific Beach Community Planning Area. The scope of this project was to add meeting rooms, expand the size of the existing staff office, remove access barriers for persons with disabilities, re-route an existing sewer line and miscellaneous site work to accommodate the building addition. The construction is complete, although in order to obtain occupancy, several unforeseen conditions required additional work to be done. Some of these conditions included: 1) the exterior walls of the existing recreation center building needed new paint to match the addition, 2) the existing roof required reconstruction to provide proper drainage and resolve leakage, and 3) an asphalt overlay on two basketball courts was necessary as a result of the rerouted sewer line for safe play. The costs associated with the above conditions, delays and redesign require that additional funds be allocated to the project.

Aud. Cert. 9900147.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H015-021.)

MOTION BY WEAR TO ADOPT WITH DIRECTION TO REFER THE ISSUE OF ACCOUNTING BACK TO THE MANAGER TO CONDUCT AN AUDIT OF THE DEFICIENT FUNDS AND REPORT BACK TO COUNCIL. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113:

**SUBJECT:** South Bay Reclamation Sewer and Pump Station - Package B.

(Tijuana River Valley Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-163) ADOPTED AS RESOLUTION R-290640

Authorizing the expenditure of an amount not to exceed \$24,000 from Fund No. 41509, CIP-40-911.3, South Bay Reclamation Sewer and Pump Station, for the acquisition of property rights and related costs, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

This action provides for the acquisition of sewer easements and temporary work area permits necessary for the construction of a portion of the South Bay Reclamation Sewer and Pump Station Project - Package B, CIP-40-911.3. The overall project will provide capacity relief to the South Metro Interceptor Sewer by

diverting Wastewater to the South Bay Water Reclamation Plant for treatment to reclaimed water standards. This segment of the project provides right-of-way necessary for the construction of the pipeline system from the intersection of International Road and Sunset Avenue easterly to Dairy Mart Road.

Aud. Cert. 9900084.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114:

SUBJECT: Settlement of the Personal Injury Claim of Ronald  
Vaughn.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-218) ADOPTED AS RESOLUTION R-290641

A Resolution approved by the City Council in Closed Session on Tuesday, August 4, 1998 by the following vote:  
Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea;  
Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$25,000 in the settlement of each and every claim against the City, its agents and employees, resulting from employment disputes between plaintiff and his City of San Diego supervisors (Federal Court Case No. 97-0335HJ, Vaughn v. City of San Diego);



Authorizing the City Auditor and Comptroller to issue one check in the amount of \$25,000 made payable to Ronald Vaughn, and his attorney of record, Phillip Vondra, in full settlement of the lawsuit and all claims.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the personal injury claim of Ronald L. Vaughn against the City of San Diego, its agents and employees, as a result of an incident which occurred on March 17, 1993.

Aud. Cert. 9900133.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-115:

**SUBJECT:** Save Our Heritage Organization (SOHO) Collection for  
Historical Purposes.

(See City Manager Reports CMR-98-162 Rev. and  
CMR-98-49. Greater Mid-City Community Area.  
District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-248) ADOPTED AS RESOLUTION R-290642

Authorizing the expenditure of an amount not to exceed \$8,087.43 from the Historic Preservation SOHO Litigation Fund 63024, Job Order 063025, for the purpose of providing funds for the completion of historic preservation work associated with the Mid-City survey.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 3/18/98, LU&H voted 4-0 to approve on consent.  
(Councilmembers Mathis, Stallings, McCarty and Vargas voted yea.  
Councilmember Stevens not present.)

Aud. Cert. 9900190.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-116:

**SUBJECT:** Excusing Councilmember George Stevens from the Council  
and Committee Meetings of 10/5/98, 10/6/98, and  
10/7/98.

**COUNCILMEMBER STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-192) ADOPTED AS RESOLUTION R-290643

Excusing Councilmember George Stevens from attending the following meetings, due to his participation in the American Public Transportation Association (APTA) Conference:

1. The regularly scheduled Council meetings of October 5 and 6, 1998.
2. The Trolley Board meetings of October 5 and 6, 1998.
3. The Land Use and Housing Committee meeting of October 7, 1998.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-117:

SUBJECT: Excusing Councilmember Warden from the NR&C Committee Meeting of 7/29/98.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-99-193) ADOPTED AS RESOLUTION R-290644

Excusing Councilmember Barbara Warden from attending the Natural Resources and Culture Committee meeting of July 29, 1998.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-118:

SUBJECT: Five-Year Lease Agreement with Air California  
Adventures, LLC, for the Torrey Pines Gliderport.

(Torrey Pines Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-175) ADOPTED AS RESOLUTION R-290676

Authorizing a five-year lease agreement, with a five  
year option to renew, with Air California Adventures,  
LLC, for the Torrey Pines Gliderport.

**CITY MANAGER SUPPORTING INFORMATION:**

The Torrey Pines Gliderport is a San Diego City Historical Site that has been used for non-powered flight since the early 1930's. The Gliderport lease is presently held by UP International, but Air California Adventures, LLC has been managing the Gliderport on behalf of UP International for the past 1 1/2 years. During that time, every major user group has endorsed Air California as the new lessee. Currently, the Gliderport is enjoying an increased attendance by both pilots and spectators. The lease was negotiated exclusively with the current operator of the

Gliderport due to their exceptional management of the facility for the past 1 1/2 years and because of the sensitive nature of the use of the premises and the historical significance of the site. UP International has not expressed any desire to renew their lease with the City. This lease has been approved by the Park and Recreation Department. A summary of the agreement is as follows:

TERM - 5 years with a 5-year option.

RENT - Lessee shall be responsible for maintaining the City property surrounding leasehold including the parking lot and providing and maintaining at least 4 portable toilets for use by the general public.

SIZE - Approximately 2 acres.

LOCATION - 2800 Torrey Pines Scenic Drive.

FILE LOCATION: LEAS - Air California Adventures, LLC

COUNCIL ACTION: (Tape location: H023-319.)

MOTION BY MATHIS TO ADOPT THE AGREEMENT OF THE MANAGER'S RECOMMENDATION. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-119:

SUBJECT: First Amendment to the Consultant Agreement for Carmel Valley Road Enhancement Project.

(Torrey Pines Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-240) ADOPTED AS RESOLUTION R-290645

Authorizing the execution of a First Amendment to the agreement with BRW Engineering Company to provide professional services for the preliminary design and environmental document preparation for the Carmel Valley Road Enhancement Project;

Authorizing the expenditure of an amount not to exceed \$300,000 from CIP-52-517.0, Carmel Valley Road -300 feet east of Portofino to Del Mar City limits, of which the total of \$300,000 is in TransNet Fund 30300.

**CITY MANAGER SUPPORTING INFORMATION:**

CIP-52-517.0, Carmel Valley Road - 300 feet east of Portofino to Del Mar City Limits, provides for street and drainage improvements to Carmel Valley Road. The original agreement for \$250,000 provided for Consultant services to develop and coordinate a Community/Agency Task Force. This task force met numerous times to discuss and resolve environmental and community issues to ultimately come to a consensus as to what improvements to Carmel Valley Road are needed. This First Amendment to the original Consultant Agreement with BRW, Inc. provides for the preparation and processing of the environmental documents and preliminary design work to Carmel Valley Road, as provided for in the Task Force's Final Recommendation Report.

Aud. Cert. 9900137.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-120:

**SUBJECT:** Reimbursement Agreement with Buie Torrey Pines Summit, LLC, for Sewer Main in El Camino Real.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-202) ADOPTED AS RESOLUTION R-290646

Authorizing a reimbursement agreement with Buie Torrey Pines Summit, LLC, for the design and construction of the sewer main in El Camino Real.

**CITY MANAGER SUPPORTING INFORMATION:**

As a condition of Tentative Map TM-91-0713 for the development of the Torrey Pines Subdivision, Buie Torrey Summit (Buie), LLC, a limited liability company, was required to make certain improvements to the public sewer system in El Camino Real. Buie was required to construct sewer facilities to serve both their subdivision and adjacent areas. These facilities consist of approximately 4,668 lineal feet of 8-inch PVC sewer main and associated appurtenances. This agreement will allow Buie to recover the cost exceeding their pro rata share for the construction of the 8-inch diameter sewer main. The actual construction cost of the El Camino Real sewer is \$272,275. The cost of the sewer facilities benefitting Buie is \$30,590 while the cost of those sewer facilities benefitting the adjacent areas is \$241,685.

The City finds that public interest is served by the construction of these sewer facilities. This agreement is in compliance with Council Policy No. 400-7 and Administrative Regulation 55.10, which allows the original developer to be reimbursed by benefitting property owners. The City will retain 1% of each of

the total amounts collected as compensation for the expenses incurred in administering the agreement. The City is not at risk because Buie is responsible for the financing, design and construction of the sewer facilities.

WWF-DSD-98-339.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-121:

SUBJECT: Point Loma - Power Generation and Distribution Upgrade  
- Amendment No. 2 to the Agreement with Holmes and  
Narver, Inc.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-107) ADOPTED AS RESOLUTION R-290647

Authorizing the execution of a second amendment to the agreement of March 27, 1995, with Holmes and Narver, Inc., for the Point Loma - Power Generation and Distribution Upgrade Project;

Authorizing the expenditure of an amount not to exceed \$550,000 from Sewer Fund No. 41508, CIP-46-179.0, Point Loma - Power Generation and Distribution Upgrade;



Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice from the administering department.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council Resolution R-285550, dated March 27, 1995, authorized the City Manager to execute an agreement with Holmes and Narver, Inc., for design engineering services for the Point Loma - Power Generation and Electrical Distribution Upgrade Project (PGEDU). PGEDU will be completed using multiple construction packages and Holmes and Narver is providing design, engineering and engineering services during construction of these packages. Amendment No. 2 to the agreement with Holmes and Narver provides for the following:

1. Revisions to the construction contract documents to provide for the installation of the City furnished engines and switch gear.
2. Additional engineering services associated with the distributive control system and the operational readiness testing of that system.
3. Extension of engineering services during construction.

Aud. Cert. 9900032.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-122:

**SUBJECT:** Youth Sports Permit - Mira Mesa West Little League.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-190) ADOPTED AS RESOLUTION R-290674

Authorizing the execution of a youth sport permit with the Mira Mesa West Little League for operation and maintenance of the play field located at 8505 Westmore Road, Mira Mesa, north of Gil Johnson Recreation Center, pursuant to Council Policy 700-03.

**CITY MANAGER SUPPORTING INFORMATION:**

Mira Mesa West Little League has requested a youth sport permit for a play field on the City-owned property located north of Gil Johnson Recreation Center in Mira Mesa. Mira Mesa West Little League has operated a play field on this property since 1972 under a series of encroachment permits administered by the San Diego Unified School District. In 1996, the School District property was purchased by the City of San Diego for the development of a City park. The property is scheduled to be designed and developed as a neighborhood park in 2008. Council Policy 700-03 "Use of City-owned Land by Youth Sports Organizations," requires City Council approval of the permit.

The City Manager has the authority to renew Council approved permits on a year-to-year basis. Mira Mesa West Little League will assume full responsibility for operation of the play field which is available for approximately 500 kids. The general public will not be wholly or permanently excluded from the permit area. The Park and Recreation Department has no objection to the permit.

Aud. Cert. 9900101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-123:

SUBJECT: Agreement with Regional Environmental Consultants  
(RECON) for As-Needed Environmental Consultant  
Services.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-165) ADOPTED AS RESOLUTION R-290648

Authorizing an agreement with Regional Environmental  
Consultants (RECON), for As-Needed Environmental  
Consultant Services;

Authorizing the expenditure of an amount not to exceed  
\$70,000 from Water Fund 41500 and an amount not to  
exceed \$130,000 from Sewer Fund 41506.

**CITY MANAGER SUPPORTING INFORMATION:**

A list of As-Needed Environmental Consultants were requested from  
the Consultant Services Coordinator on February 10, 1998. The

Consultant Nominating Committee nominated five firms to participate in the final selection process. The firms Kinnetic Laboratories and Parsons Brinckerhoff Quade & Douglas Inc., declined to interview due to their current workload. In conformance with Council Policy 300-7, the remaining three firms were interviewed on April 28, 1998. The firm Regional Environmental Consultants (RECON) was selected as best qualified firm to provide As-Needed Environmental Consultants. Subconsultants for these as-needed environmental services are RMW Paleo Associates (Minor Business Enterprise) - and Paleontology, and Ninyo and Moore (Minority Business Enterprise) - Hazardous Materials Analysis.

The agreement provides for environmental services by task orders on an hourly basis, not to exceed \$20,000 per task. These services would include environmental evaluation reports and preliminary hazardous waste material analysis for water and sewer projects. Construction delays may be avoided by anticipating mitigative measures and selecting appropriate sites and pipeline alignments. The total contract will not exceed \$200,000 for a period of two years from the date of execution by the City.

Aud. Cert. 9900064.

WWF-98-341.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-124:

**SUBJECT:** Consultant Agreement with Bryan A. Stirrat and Associates for West Miramar Refuse Disposal Facility-Phase II.

(Miramar Marine Corps Air Station. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-241) ADOPTED AS RESOLUTION R-290649

Authorizing a third amendment to the agreement with Bryan A. Stirrat and Associates, for professional services for the West Miramar Refuse Disposal Facility-Phase II;

Authorizing the expenditure of not to exceed \$125,666 from CIP-37-056.0, West Miramar Refuse Disposal Facility - Phase II, Fund No. 41201, Environmental Services Enterprise Fund, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1991, Congress passed the Resource Conservation and Recovery Act (RCRA). A portion of the act (Part 257-258, 40 CFR) referred to as "Subtitle D" affects all landfills accepting municipal solid waste after October 9, 1993. Bryan A. Stirrat & Associates (BAS) was hired in March of 1994 (Resolution R-283575 to design a liner system for the first two modules scheduled for development, and to update all applicable permits required under existing regulations. Construction of the first lined cell was completed in May 1995. BAS provided Construction Management and Construction Quality Assurance (CQA) services for this construction.

The first amendment (Resolution R-286236, dated August 14, 1995) provided funds to cover additional CQA and construction management costs incurred during the construction for the first module due to extended inclement weather. Secondly, it expanded the scope of work to have BAS provided CQA services to certify the placement of the low-permeability layer and high density polyethylene liner components for the second module. Finally, it provided for upgrades to the groundwater monitoring network at the Miramar Landfill to comply with newly promulgated, "Subtitle D" driven, State regulations (Chapter 15 of Division 3, Title 23, CCR). The second Amendment (Document No. C-07642 dated December 9, 1996) provided additional funds for BAS to develop a third set of construction documents and CQA services for the next module. Construction was completed in October 1997 and approximately 1.4 years of capacity remain in this module. This amendment will allow BAS to develop a fourth set of construction documents for the next module and the final leachate collection system. This module will provide approximately 3.25 years of landfill capacity at current consumption rates. The West Miramar Landfill development will be completed in two additional phases (modules) with approximately 13 years of projected capacity remaining.

Aud. Cert. 9900141.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-125:

**SUBJECT:** Point Loma - Power Generation and Distribution Upgrade  
Construction Change Order.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-200) ADOPTED AS RESOLUTION R-290650

Authorizing the City Manager to enter into negotiations and execute Change Order No. 1 with Nielsen Dillingham Builders in connection with the Point Loma Power Generation and Distribution Upgrade Project, with the cost of the change order not to exceed \$550,000;

Authorizing the expenditure of an amount not to exceed \$950,000 as follows: \$550,000 from Fund 41508, CIP-6-79.0, Point Loma - Power Generation and Distribution Upgrade, to fund this Change Order No. 1; \$100,000 from Fund No. 41508, CIP-46-179.0, Point Loma - Power Generation and Distribution Upgrade, for additional project contingency; and \$300,000 from Fund 41508, CIP-46-501.0, Annual Allocation - Metro Sewer Pooled Contingency, for additional project contingency.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council Resolution R-289245, dated September 30, 1997, authorized the City Manager to execute a construction contract with the lowest responsible bidder, Nielsen Dillingham Builders, for the Point Loma-Power Generation and Distribution Upgrade Project. The original contract amount is \$5,234,800. Separate from the construction contract with Nielsen Dillingham, a pre-purchase contract was let for the cogeneration and switchgear equipment. The original construction contract documents were

based on preliminary information provided by several suppliers of this equipment. Changes to the construction documents were required once the actual manufacturer of the equipment became known. These changes resulted in an increased scope of work and additional costs to Nielsen Dillingham for labor and material. Council approval is requested to authorize Construction Change Order No. 1 to compensate the contractor, Nielsen Dillingham Builders, for these costs and to replenish the contingency funding for this contract.

Aud. Cert. 9900121.

FILE LOCATION: CONT-Nielsen Dillingham Builders

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-126:

SUBJECT: Sorrento Valley/Carroll Canyon Subsystem - Change Order  
No. 6 with Schlumberger Industries.

(University, Mira Mesa, Scripps Miramar Ranch, Miramar  
Ranch North Community Areas. Districts-1 and 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-206 Corrected) ADOPTED AS RESOLUTION R-290651

Authorizing the negotiation and execution of Change  
Order No. 6 to the contract with Schlumberger



Industries, to deduct street slurry seal and resurfacing from the contract, amounting to a net decrease in the contract price not to exceed \$230,000;

Authorizing the expenditure of an amount not to exceed \$290,628 from Fund 41500, CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem, to provide funds for work by City Forces and slurry seal/resurfacing contractual services.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council Resolution R-288903, dated June 30, 1997, authorized the City Manager to execute a construction contract with the lowest responsible bidder, Schlumberger Industries, for the amount of \$3,879,000, for the construction of the Sorrento Valley/Carroll Canyon Subsystem. The original construction contract included a line item for an amount of \$230,000 to only slurry seal the streets after the construction is complete. Change Order No. 6 will deduct this line item from the contract since street slurry seal and resurfacing for the project will be done under a separate contract by the City's Street Division.

Under City Council direction, MWWD is required to slurry seal or resurface the streets after the construction of the pipeline is complete. MWWD goal is to have a finished product that leaves the streets in a functional and aesthetic condition that reflects good customer service. To accomplish this goal, the MWWD and the Transportation Department have reached an agreement which requires the MWWD to fund the cost to slurry seal and resurface the streets after the pipeline construction is complete. After several field inspections and meetings with the Transportation Department staff, it was mutually agreed that the pipeline construction has compromised the structural integrity of some of the streets and as a result resurfacing would be required. Therefore, the scope of work under the agreement with the Transportation Department is significantly more than what was included in the contract with Schlumberger Industries since it

includes street slurry seal as well as street resurfacing.  
Slurry seal/resurfacing funding for this project is available in  
CIP-70-934.0.

Aud. Cert. 9900131.

FILE LOCATION: CONT-Schlumberger Industries

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-127:

**SUBJECT:** Declaring a Continued State of Emergency Regarding the  
Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana  
River Valley Community Areas. District-8.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-98) ADOPTED AS RESOLUTION R-290652

Declaring a continued State of Emergency regarding the  
discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l-State of Emergency regarding the  
discharge of raw sewage from Tijuana,  
Mexico

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-128:

**SUBJECT:** San Diego County Water Authority Infrastructure Access  
Charge.

(See City Manager Reports CMR-98-152 and CMR-98-76; and  
memorandum from the San Diego County Water Authority  
dated 6/4/98.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-91) ADOPTED AS RESOLUTION R-290678

Establishing the following monthly Infrastructure  
Access Charges effective January 1, 1999:

Customer Charge, Per Meter

<u>Meter Size</u>	<u>Amount</u>
Under 1"	\$ 1.00
1"	\$ 1.60
1.5"	\$ 3.00
2"	\$ 5.20
3"	\$ 9.60
4"	\$ 16.40
6"	\$ 30.00
8"	\$ 52.00
10"	\$ 78.00
12"	\$132.00
16"	\$286.00

Authorizing the City Auditor and Comptroller to receive the amount of \$2.1 million into Water Fund 41500, Department 760, Revenue Account 77501.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/29/98, NR&C voted 4-0 to recommend the City Council approve the City Manager's recommendation to revise the Water Department's Meter Fees to offset the new Infrastructure Access Charge, which has been imposed by the San Diego County Water Authority. (Councilmembers Mathis, Wear, Kehoe and Stallings voted yea. Councilmember Warden not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

On January 1, 1999, the San Diego County Water Authority (SDCWA) will implement the Infrastructure Access Charge at \$2.1 million for the 1999 Fiscal Year. In Fiscal Year 2000, the charge will be \$4.2 million. The Infrastructure Access Charge is a new charge imposed by the San Diego County Water Authority. Today's action authorizes an increase to the City of San Diego's Water Fees effective January 1, 1999, to offset the new San Diego County Water authority's Infrastructure Access Fee. The revenue would be received into Water Fund 41500, Department 760, Revenue Account 77501 in the amount of \$2,100,000. The Infrastructure Access Charge will be assessed directly to the City of San Diego's Water Department and will be charged against the Water fund 41500, Department 760, Organization 524, Object Account 3232, Job Order 57300 in the amount of \$2,100,000. This action is to also authorize an increase to the Water Fund appropriations in the amount of \$2,100,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H329-330.)

MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-129:

**SUBJECT:** Residential Horizontal-Axis Clothes Washer Rebate Program (H-Axis Rebate Program).

(See City Manager Report CMR-98-153.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-99-133) ADOPTED AS RESOLUTION R-290653

Authorizing the City Manager to implement a Residential Horizontal-axis Clothes Washer Rebate Program (H-axis Rebate Program);

Authorizing the expenditure of not to exceed \$75,000 from the Water Operating Fund 41500, Water Resources Management, for the sole and exclusive purpose of operating the H-axis Rebate Program in Fiscal Year 1999.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/29/98, NR&C voted 4-0 to recommend the City Council approve the City Manager's recommendation to implement a Residential Horizontal-axis Clothes Washer Rebate Program.

(Councilmembers Mathis, Wear, Kehoe and Stallings voted yea. Councilmember Warden not present.)

Aud. Cert. 9900054.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-130:

SUBJECT: Transferring Funds - Point Loma Community Park.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-4) ADOPTED AS RESOLUTION R-290654

Amending the Annual C.I.P. Budget by increasing  
CIP-9-34.0, Point Loma Community Park by transferring  
\$20,000 from Park/Recreation Building Permit Fee  
District Fund 17000;

Authorizing the City Auditor and Comptroller to  
transfer \$20,000 from Park/Recreation Building Permit  
Fee District Fund 17000 to CIP-29-434.0, Point Loma  
Community Park;

Authorizing the expenditure of \$20,000 from  
CIP-29-434.0, Point Loma Community Park;

Authorizing the City Auditor and Comptroller, upon  
advice from the administering department, to transfer  
excess budgeted funds, if any, to the appropriate  
reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The additional transfer of funds will supplement previously authorized project funding and will be used to pay accrued charges on change orders for unforeseen conditions of additional demolition and excavation work.

Aud. Cert. 9900189.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-131:

**SUBJECT:** Captain Hank Olias Day.

**COUNCILMEMBER VARGAS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-281) ADOPTED AS RESOLUTION R-290655

Proclaiming September 9, 1998 to be "Captain Hank Olias Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-132:

**SUBJECT:** Pyxis Corporation Day.

**COUNCILMEMBERS WARDEN'S AND MATHIS'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-271) ADOPTED AS RESOLUTION R-290656

Recognizing and applauding the Pyxis Corporation and  
its employees for their eleven years of corporate  
presence and community involvement in San Diego;

Proclaiming Wednesday, September 16, 1998 to be "Pyxis  
Corporation Day" in San Diego, in honor of the Pyxis  
Corporation's grand opening celebration and in  
recognition of the important role the Pyxis Corporation  
plays in San Diego's economic success.

**FILE LOCATION:** AGENDA

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.



\* ITEM-133:

**SUBJECT:** Amending the 1998 Legislative Calendar for the City of San Diego.

(See memorandum from Mayor Golding dated 8/25/98.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-268 COR.COPY) ADOPTED AS RESOLUTION R-290657

Amending the schedule of meetings for the City Council and Standing committees of the City Council for the period January 1, 1998 through December 31, 1998:

**Committee on Rules, Finance and Intergovernmental Relations**

1. Change the meeting time for the September 14, 1998 Rules Committee meeting from 10:00 a.m to 9:00 a.m.
2. Reschedule the Monday, September 28, 1998 Rules Committee meeting to Monday, October 5, 1998, from 2:00 p.m. to 5:00 p.m. in the Council Committee Room 202 C Street, San Diego, CA 92101.
3. Reschedule the Monday, November 23, 1998 Rules Committee meeting to Monday, November 30, 1998, from 9:00 a.m. to 12:00 p.m. in the Council Committee Room, 202 C Street, San Diego, CA 92101.

**City Council Meetings**

1. Change the Tuesday, September 14, 1998 Special Night Council Meeting to a regularly scheduled Monday Council meeting beginning at 2:00 p.m. to be held at 202 C Street, San Diego, CA 92101, in the 12th Floor Council Chambers.

2. Reschedule the Monday, October 5, 1998 Council meeting to a Special Night Council Meeting to be held at a site to be determined beginning at 6:00 p.m.

3. Cancel the Council meetings scheduled for November 16 and 17, 1998.

4. Add December 10, 1998 as the date for the State of the City Special Council Meeting, at a time and location to be determined.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-134:

SUBJECT: Consideration of nominees for appointment to the  
Southeastern Economic Development Corporation Board of  
Directors.

(See memorandum from Mayor Golding dated 8/11/98.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-256) ADOPTED AS RESOLUTION R-290658

Consider the following list of nominees to fill three  
vacancies on the Southeastern Economic Development  
Corporation Board of Directors:

NOMINEE

NOMINATED BY

Ruben D. Rodriguez  
(Reappointment)

Mayor Golding

Roxanne Girard  
(Reappointment)

Mayor Golding

Kathleen A. Garcia  
(Reappointment)

Mayor Golding

Declaring that after full and complete public discussion and deliberation, Ruben D. Rodriguez, Roxanne Girard, and Kathleen A. Garcia are elected to the Southeastern Economic Development Corporation Board of Directors for three year terms ending May 25, 2001;

Waiving the provision of Council Policy 000-13 regarding limitation on the number of terms.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-135:

**SUBJECT:** Appointment and Reappointments to the Board of Zoning Appeals.

(See memorandum from Mayor Golding dated 8/11/98 with resume attached.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-204) ADOPTED AS RESOLUTION R-290659

Council confirmation of the following appointment and reappointments by the Mayor to the Board of Zoning Appeals, for terms ending as indicated:

**REAPPOINTMENTS:**

**FOR TERM ENDING:**

James M. Magot

March 1, 2000

Jay Wharton

March 1, 2000

Daniel R. Smith

March 1, 2000

Dr. Michael Clark

March 1, 1999

**APPOINTMENT:**

Michael Pallamary  
(Replacing Joe Outlaw,  
whose term has expired.)

March 1, 1999

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-136:

**SUBJECT:** Appointments and Reappointments to the Historical Site Board.

(See memorandum from Mayor Golding dated 8/11/98 with resumes attached.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-254) ADOPTED AS RESOLUTION R-290660

Council confirmation of the following appointments and reappointments by the Mayor to the Historical Site Board, for terms ending as indicated:

**REAPPOINTMENTS:**

**FOR TERM ENDING:**

Caryl Iseman	March 1, 2000
Paul L. Bishop	March 1, 2000
Harold Riley, Jr.	March 1, 2000
Ione Stiegler	March 1, 2000
Bruce G. Brown	March 1, 2000
Jeffrey L. Sykes	March 1, 2000
Cynthia Furlong	March 1, 1999
Vonn Marie May	March 1, 1999
Kiarling Strahm	March 1, 1999
Lynne Christenson	March 1, 1999

Earl "Rod" Barr March 1, 1999

**APPOINTMENTS:**

Homer Delawie March 1, 2000  
(Filling a vacant position.)

Marsha Sewell March 1, 2000  
(Replacing Anna M. Major,  
whose term has expired.)

Larry P. Malone March 1, 1999  
(Replacing Carol Landsman,  
whose term has expired.)

James H. Ahern March 1, 1999  
(Replacing Doug Austin,  
whose term has expired.)

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION TO CONFIRM  
THE APPOINTMENTS. Second by Stevens. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

\* ITEM-137:

**SUBJECT:** Appointments and Reappointments to the Park and  
Recreation Board.

(See memorandum from Mayor Golding dated 8/11/98 with  
resumes attached.)

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-252) ADOPTED AS RESOLUTION R-290661

Council confirmation of the following appointments and reappointments by the Mayor to the Park and Recreation Board, for terms ending as indicated:

**REAPPOINTMENTS:**

**FOR TERM ENDING:**

Booker T. Crenshaw, Jr.	March 1, 2000
Celeste Weinsheim	March 1, 2000
James Vincent Tindaro	March 1, 2000
Peggy Lacy	March 1, 2000
Stuart L. Glassman	March 1, 2000
(Virgilio) Ike Enriquez	March 1, 1999

**APPOINTMENTS:**

Jim Austin (Replacing Sally Ortega Madaffer, whose term has expired)	March 1, 2000
Darlene Gould Davies (Replacing Christopher Rhoades, whose term has expired)	March 1, 1999
Robert L. Robinson (Replacing Linda Lopez, whose term has expired)	March 1, 1999

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-138:

SUBJECT: Appointment to the Planning Commission.

(See memorandum from Mayor Golding dated 8/11/98 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-253) ADOPTED AS RESOLUTION R-290662

Council confirmation of the appointment by the Mayor of Geralda "Gerri" Stryker to serve as a member of the Planning Commission, for a term ending January 28, 2002, to replace Verna Quinn, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-200:

**SUBJECT:** Approving the FY 1999 Budget for the San Diego Convention Center Corporation and the Second Amended and Restated Management Agreement.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-264) ADOPTED AS RESOLUTION R-290663

Approving the Fiscal Year 1999 Budget in the amount of \$22,288,085 for the San Diego Convention Center Corporation;

Authorizing a Second Amended and Restated Management Agreement with the San Diego Convention Center Corporation (SDCCC);

Authorizing the expenditure from the New Convention Facility Fund No. 10225 in the amount not to exceed \$780,489 from Fiscal Year 1998 SDCCC subsidy savings and in the amount not to exceed \$310,345 from prior years carryover savings (total of \$1,090,834) for use in accordance with the Second Amended and Restated Management Agreement.

Aud. Cert. 9900197.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

**SUBJECT:** Reorganization of Business Centers.

(See City Manager Report CMR-98-170.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-182 Cor. Rev.1)      ADOPTED AS AMENDED AS  
RESOLUTION R-290664

Supporting in concept the City Manager's proposed  
restructuring of the City's Business Centers as  
summarized in City Manager Report CMR-98-170;

Directing the City Attorney to prepare the necessary  
amendments to the San Diego Municipal Code to reflect  
the City's restructuring in accordance with City  
Manager Report CMR-98-170.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B039-C394.)

Motion by Warden to approve the City Manager's  
Recommendation regarding the Reorganization of Business  
Centers, and to separate out the issue of Neighborhood Code  
Compliance as requested by Council Member Mathis. Second by  
Wear. Passed. Yeas-1,2,3,4,5,6,7,8,M. Nays-None. Not  
present-none.

MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED TO URGE THE SUPPORT OF A SURVEY REGARDING THE LIFEGUARDS AND TO REQUEST THE CITY MANAGER LOOK AT OTHER MUNICIPALITIES AND COUNTIES TO ASCERTAIN HOW THE LIFEGUARDS FALL IN THEIR STRUCTURE, AND TO BRING THAT STUDY BACK TO COUNCIL IN SIX MONTHS. TO SUPPORT THE SEARCH FOR AN ECONOMIC DEVELOPMENT DIRECTOR WHO HAS A DIVERSE BACKGROUND IN BUSINESS AND THE KNOWLEDGE OF DIFFERENT KINDS OF BUSINESSES IN THE PRIVATE SECTOR. REGARDING THE CITY MANAGER'S RECOMMENDATION TO MOVE NEIGHBORHOOD CODE COMPLIANCE TO THE POLICE DEPARTMENT: CONTINUE TO KEEP NEIGHBORHOOD CODE COMPLIANCE WITH COMMUNITY SERVICES WHILE THE CITY MANAGER ADDRESSES THE ISSUES AND CONCERNS OF THE DIFFERENT ORGANIZATIONS, AND TO COME BACK TO COUNCIL WITH A REPORT IN FORTY-FIVE DAYS. Second by Stevens. Passed by the following vote: Mathis-nay, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-nay.

ITEM-202:

**SUBJECT:** One-Year Extension of the Centre City Project Area Committee.

(See memorandum from CCDC dated 8/7/98. Districts-2, 3 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-205) ADOPTED AS RESOLUTION R-290665

Authorizing the extension of the Centre City Project Area Committee for one year from October 1998 to October 1999.

**FILE LOCATION:** MEET

COUNCIL ACTION: (Tape location: A379-600.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Consideration of five proposals for the purchase of  
.509 acres at the top of Mt. Soledad for use by a  
private nonprofit corporation as a war memorial site  
and authorizing the City Manager to sell the site to  
the nonprofit corporation presenting the best proposal  
based on criteria established in the Request for  
Proposals.

(District-1.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-99-47) INTRODUCED, TO BE ADOPTED  
SEPTEMBER 28, 1998

Introduction of an ordinance transferring one-half acre  
of City property at Mt. Soledad.

BACKGROUND

In connection with resolution of pending litigation, the City  
Council directed the City Manager and City Attorney to solicit  
requests for proposals from private nonprofit corporations  
interested in purchasing .509 of an acre at the top of Mt.  
Soledad for use as a war memorial site. The proposals have been  
received and evaluated by the City Manager. The proposals are  
now ready for consideration by the City Council.

**SUPPORTING INFORMATION:**

In the June 1992 primary election, the voters of the City of San Diego, by a majority of 76 percent, authorized the removal from dedicated park status of that portion of the Mt. Soledad Natural Park necessary to maintain the property as a war memorial, and the transfer of the same parcel by the City to a private nonprofit corporation for not less than fair market value.

In June 1998 the City solicited requests for proposals from private nonprofit corporations interested in purchasing .509 of an acre at the top of Mt. Soledad for use as a war memorial site. There were approximately forty requests for copies of the invitation for proposals — from as far away as Texas, Illinois, and Minnesota. Five proposals were submitted, all just prior to the July 31, 1998, 9:00 a.m., deadline.

The invitation indicated that proposals would be evaluated based on 1) bid on the sale price, 2) financial capability, 3) expertise regarding the proposed use, 4) the use proposed — without regard to whether or not such proposal includes the retention or maintenance of a cross as the war memorial.

A three-person committee comprised of the Director of the Park and Recreation Department, the Director of the Risk Management Department and the Acting Director of the Real Estate Assets Department has considered and evaluated the five proposals and will make a presentation and recommendation to the City Council at the public hearing.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D004-304.)

MOTION BY STEVENS TO INTRODUCE THE ORDINANCE, APPROVING THE RECOMMENDATION OF THE 3-PERSON COMMITTEE, ITEM NO. 1 ON THE LIST SUBMITTED, MT. SOLEDAD MEMORIAL ASSOCIATION; THAT WE

APPROVE THEIR BID WHICH IS THE HIGHEST BID OF \$106,000 AND THAT THEY WILL MAINTAIN SAME. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

(The map and permit for Loma Sorrento were returned to the City Manager from the meeting of August 4, 1998, Item 330, Subitems F and G; the maps and permits for Torrey Surf and Carmel Estates were continued from the meeting of August 4, 1998, Item 330, Subitems H, I, J, and K, at Councilmember Mathis's request, for the purpose of revising the map and for preparation of an EIR Addendum.)

**SUBJECT:** Matter of the Carmel Valley Neighborhood 8A Specific Plan Environmental Addendum, Vesting Tentative Maps, Resource Protection Ordinance Permits and Carmel Valley Planned District Development Permits for Torrey Pines Estates, Torrey Surf, Loma Sorrento, and Carmel Estates.

(Torrey Pines Investments Group VTM/RPO/CVPDDP-96-7573; Torrey Surf VTM/RPO/CVPDD-91-0899; Loma Sorrento VTM/RPO/CVPDDP-96-7929; and Carmel Estates VTM/RPO/CVPDDP-95-0381. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the Resolution in Subitem A; adopt the Resolutions in Subitems B through C and F through G to approve the maps and permits for Torrey Pines Estates, and Loma Sorrento; and continue Subitems H and I for Carmel Estates; recommendation for Torrey Surf Subitems D and E to be provided at the hearing:

Subitem-A: (R-99-251) ADOPTED AS RESOLUTION R-290679

Adoption of a Resolution certifying that the information contained in Addendum Nos. 91-0899, 96-7573, and 96-7929 to Environmental Impact Report No. LDR-96-7996 has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA guidelines and that said reports reflect the independent judgement of the City of San Diego as Lead Agency; Stating for the record that the final EIR has been reviewed and considered prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program.

Subitem-B: (R-99-503) GRANTED MAP AS AMENDED,  
ADOPTED AS RESOLUTION R-290680

Adoption of a Resolution granting or denying the map for Torrey Pines Estates (VTM-96-7573), with appropriate findings to support Council action.

Subitem-C: (R-99-504) GRANTED PERMITS AS AMENDED,  
ADOPTED AS RESOLUTION R-290681

Adoption of a Resolution granting or denying the RPO/CVPDO-95-7573 permits for Torrey Pines Estates, with appropriate findings to support Council action.

**THE FOLLOWING ITEMS WERE RETURNED TO THE CITY MANAGER OR  
CONTINUED FROM THE MEETING OF AUGUST 4, 1998, ITEM 330:**

Subitem-D: (R-99-505) GRANTED MAP, ADOPTED AS  
RESOLUTION R-290682

Adoption of a Resolution granting or denying the map for Torrey Surf (VTM-91-0899), with appropriate findings to support Council action.

Subitem-E: (R-99-506) GRANTED PERMITS, ADOPTED AS  
RESOLUTION R-290683

Adoption of a Resolution granting or denying the  
RPO/CVPDO-91-0899 permits for Torrey Surf, with  
appropriate findings to support Council action.

Subitem-F: (R-99-507) GRANTED MAP, ADOPTED AS  
RESOLUTION R-290684

Adoption of a Resolution granting or denying the map  
for Loma Sorrento (VTM-96-7929), with appropriate  
findings to support Council action.

Subitem-G: (R-99-508) GRANTED PERMITS, ADOPTED AS  
RESOLUTION R-290685

Adoption of a Resolution granting or denying the  
RPO/CVPDO-96-7929 permits for Loma Sorrento, with  
appropriate findings to support Council action.

Subitem-H: (R-99- ) RETURNED TO CITY MANAGER

Adoption of a Resolution granting or denying the map  
for Carmel Estates (VTM-95-0381), with appropriate  
findings to support Council action.

Subitem-I: (R-99- ) RETURNED TO CITY MANAGER

Adoption of a Resolution granting or denying the  
RPO/CVPDO-95-0381 permits for Carmel Estates, with  
appropriate findings to support Council action.

**SUPPORTING INFORMATION:**

The project proposes Vesting Tentative Maps/Carmel Valley  
Planned District Development Permits, and Resource



Protection Ordinance Permits for development of the following parcels in Carmel Valley Neighborhood 8A: Torrey Surf (LDR-91-0899), Torrey Pines Estates (LDR-96-7573), Loma Sorrento (LDR-96-7929).

**LEGAL DESCRIPTION:**

The project site is located in the Carmel Valley Neighborhood 8A Specific Plan/Precise Plan area, east of Interstate 5 and south of State Route 56 (SR-56) in the Carmel Valley Community Planning Area. The Torrey Surf parcel is located in the southeastern portion of Neighborhood 8A, the Loma Sorrento parcel is located in the southwestern portion and the Torrey Pines Estates parcel is located in the west-central portion.

FILE LOCATION: Subitems A,B,C,D,E,F,G,H,I: LAND - Progress Guide and General Plan; Carmel Valley Neighborhood 8A (9)

COUNCIL ACTION: (Tape location: D390-G370.)

Hearing began at 2:42 p.m. and halted at 4:50 p.m.

Testimony in opposition by Sherry Barrett, Jill McCarty, Alan Matson Blair Willis, Isabelle Kay, David Autin, Michael Beck, Anne Harvey, Allison Rolfe, Rudi Southernland, John Dean, and Lillian Justice.

Testimony in favor by Doug Boyd, Jack Ingber, Scott Sandstrom, Thomas F. Steinke, Keris Kennedy, and Donald R. Worley.

Motion by Mathis to adopt Subitem A to certify Addendum Nos. 91-0899, 96-7573, and 96-7929 to Environmental Impact Report LDR-96-7996; adopt Subitems B and C, to grant the Map VTM-96-7573 and Permits for Torrey Pines Estates with revised conditions as follows:

1. Allow for the preliminary grading prior to recordation of the final subdivision map which is the standard provision or condition in a subdivision map;
2. Modify map condition no. 13 to delete reference to two other subdivision maps that were not appropriately added in; modify the permit condition no. 57c to allow for brush management in zones 2 and 3;
3. Amend permit conditions no. 15 through 23, 25 through 27, 29, 42, and 57, to add the words "for houses" following the building permits, and to delete the word "grading" in no. 57a;
4. Delete condition no. 10 in the permit, and modify condition no. 35 in the VTM to read as follows: Arroyo Sorrento Road is a residential street. The subdivider shall from the cul-de-sac westerly to the existing improvements provide a 20 foot paved roadway within existing right-of-way to the satisfaction of the city engineer. The subdivider may request the City to process an application for the formation of a cost reimbursement district to recover costs for the design construction of Arroyo Sorrento Road beyond their fair share cost.

Adopt the appropriate findings.

Adopt Subitems D and E to grant the Map VTM-91-0899 and Permits for Torrey Surf with the following conditions, and based on the changes made since we looked at this before: eliminate Lots 38, 39, 40, and 57, as shown on the latest revised tentative map so that there will be 63 buildable lots and adopt the appropriate findings. Also, accept the condition offered by Mr. Worley, representing Mr. Elder, regarding the monitoring preservation and restoration of those vernal pool resources as follows:

To satisfy the Council as to the preservation of that watershed, the developer agrees to monitor and maintain 100% of the vernal pools and ensure that the proposed watershed is sufficient to ensure their continued function. If it is determined at any time that the proposed watershed is not sufficient, then the developer will further agree to enhance, additionally, on site, vernal pool habitat at a ratio of 2 to 1.

Adopt Subitems F and G to grant the Map VTM-96-7929 and permits for Loma Sorrento and to adopt the appropriate findings.

And in the case of Carmel Estates, Subitems H and I, since they are not ready to come forward, return to the City Manager until such time as they are ready.

I would also incorporate in this motion for docket items 58, 59, and 60, to dispense with the reading and adopt the ordinances and correct docket item no. 59, the 8A draft ordinance to conform to revised Tentative Map VTM-96-7929. This is to reflect the fact that for the dwelling unit count, Loma Sorrento had one unit moved up from the valley without increasing the footprint. This would reflect 50 residential, very low units (those are the ones on the upper part), 127 residential low units in the valley, and 3 residential low units south of Street A. Second by McCarty.

Accept Mayor Golding's recommendation to approve the project pending completion of an independent hydrology study to be commissioned by the City.

McCarty withdrew second.

Substitute motion by Stallings to approve the project contingent on results of the hydrology analysis discussed. Second by Kehoe. Failed. Vote: Yeas-346M; Nays-12578.

MOTION BY MATHIS TO ADOPT SUBITEM A TO CERTIFY ADDENDUM NOS. 91-0899, 96-7573, AND 96-7929 TO ENVIRONMENTAL IMPACT REPORT LDR-96-7996; ADOPT SUBITEMS B AND C, TO GRANT THE MAP VTM-96-7573 AND PERMITS FOR TORREY PINES ESTATES WITH REVISED CONDITIONS AS FOLLOWS:

1. ALLOW FOR THE PRELIMINARY GRADING PRIOR TO RECORDATION OF THE FINAL SUBDIVISION MAP WHICH IS THE STANDARD PROVISION OR CONDITION IN A SUBDIVISION MAP;
2. MODIFY MAP CONDITION NO. 13 TO DELETE REFERENCE TO TWO OTHER SUBDIVISION MAPS THAT WERE NOT APPROPRIATELY ADDED IN; MODIFY THE PERMIT CONDITION NO. 57C TO ALLOW FOR BRUSH MANAGEMENT IN ZONES 2 AND 3;
3. AMEND PERMIT CONDITIONS NO. 15 THROUGH 23, 25 THROUGH 27, 29, 42, AND 57, TO ADD THE WORDS "FOR HOUSES" FOLLOWING THE BUILDING PERMITS, AND TO DELETE THE WORD "GRADING" IN NO. 57A;
4. DELETE CONDITION NO. 10 IN THE PERMIT, AND MODIFY CONDITION NO. 35 IN THE VTM TO READ AS FOLLOWS: ARROYO SORRENTO ROAD IS A RESIDENTIAL STREET. THE SUBDIVIDER SHALL FROM THE CUL-DE-SAC WESTERLY TO THE EXISTING IMPROVEMENTS PROVIDE A 20 FOOT PAVED ROADWAY WITHIN EXISTING RIGHT-OF-WAY TO THE SATISFACTION OF THE CITY ENGINEER. THE SUBDIVIDER MAY REQUEST THE CITY TO PROCESS AN APPLICATION FOR THE FORMATION OF A COST REIMBURSEMENT DISTRICT TO RECOVER COSTS FOR THE DESIGN CONSTRUCTION OF ARROYO SORRENTO ROAD BEYOND THEIR FAIR SHARE COST.

ADOPT THE APPROPRIATE FINDINGS.

ADOPT SUBITEMS D AND E TO GRANT THE MAP VTM-91-0899 AND PERMITS FOR TORREY SURF WITH THE FOLLOWING CONDITIONS, AND BASED ON THE CHANGES MADE SINCE WE LOOKED AT THIS BEFORE: ELIMINATE LOTS 38, 39, 40, AND 57, AS SHOWN ON THE LATEST REVISED TENTATIVE MAP SO THAT THERE WILL BE 63 BUILDABLE

LOTS AND ADOPT THE APPROPRIATE FINDINGS. ALSO, ACCEPT THE CONDITION OFFERED BY MR. WORLEY, REPRESENTING MR. ELDER, REGARDING THE MONITORING PRESERVATION AND RESTORATION OF THOSE VERNAL POOL RESOURCES AS FOLLOWS:

TO SATISFY THE COUNCIL AS TO THE PRESERVATION OF THAT WATERSHED, THE DEVELOPER AGREES TO MONITOR AND MAINTAIN 100 PERCENT OF THE VERNAL POOLS AND ENSURE THAT THE PROPOSED WATERSHED IS SUFFICIENT TO ENSURE THEIR CONTINUED FUNCTION. IF IT IS DETERMINED AT ANY TIME THAT THE PROPOSED WATERSHED IS NOT SUFFICIENT, THEN THE DEVELOPER WILL FURTHER AGREE TO ENHANCE, ADDITIONALLY, ON SITE, VERNAL POOL HABITAT AT A RATIO OF 2 TO 1.

ADOPT SUBITEMS F AND G TO GRANT THE MAP VTM-96-7929 AND PERMITS FOR LOMA SORRENTO AND TO ADOPT THE APPROPRIATE FINDINGS.

AND IN THE CASE OF CARMEL ESTATES, SUBITEMS H AND I, SINCE THEY ARE NOT READY TO COME FORWARD, RETURN TO THE CITY MANAGER UNTIL SUCH TIME AS THEY ARE READY.

I WOULD ALSO INCORPORATE IN THIS MOTION FOR DOCKET ITEMS 58, 59, AND 60, TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES AND CORRECT DOCKET ITEM NO. 59, THE 8A DRAFT ORDINANCE TO CONFORM TO REVISED TENTATIVE MAP VTM-96-7929. THIS IS TO REFLECT THE FACT THAT FOR THE DWELLING UNIT COUNT, LOMA SORRENTO HAD ONE UNIT MOVED UP FROM THE VALLEY WITHOUT INCREASING THE FOOTPRINT. THIS WOULD REFLECT 50 RESIDENTIAL, VERY LOW UNITS (THOSE ARE THE ONES ON THE UPPER PART), 127 RESIDENTIAL LOW UNITS IN THE VALLEY, AND 3 RESIDENTIAL LOW UNITS SOUTH OF STREET A. Second by McCarty. Passed by the following vote (with the exception of Torrey Pines): Mathis-yea; Wear-yea; Kehoe-nay; Stevens-yea; Warden-yea; Stallings-nay; McCarty-yea; Vargas-nay; Mayor Golding-nay.

Torrey Pines portion only: Passed by the following vote: Mathis-yea; Wear-nay; Kehoe-nay; Stevens-yea; Warden-yea; Stallings-nay; McCarty-yea; Vargas-nay; Mayor Golding-yea.

ITEM-331:

**SUBJECT:** Matter of a Rezone, Community Plan Amendment, Planned Development Permit, Resource Protection Ordinance Permit and Local Coastal Program Amendment in the Carmel Valley Community Planning Area. (Pinnacle Carmel Creek)

(RZ/CPA/PRD/RPO/LCP-96-7614. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt Subitems A and D; adopt Subitem C to grant the permits; and introduce Subitem B:

Subitem-A: (R-99-222) ADOPTED AS RESOLUTION R-290666

Adoption of a Resolution certifying that the information contained in LDR-96-7614 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project; adopting the Findings and Statement of Overriding Considerations; and adopting the Mitigation, Monitoring, and Reporting Program by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-35) INTRODUCED, TO BE ADOPTED  
SEPTEMBER 28, 1998

Introduction of an Ordinance amending the Carmel Valley Planned District.

Subitem-C: (R-99-444 COR.COPY) GRANTED PERMIT, ADOPTED  
AS RESOLUTION R-290668

Adoption of a Resolution granting or denying the  
permits, with appropriate findings to support Council  
action.

Subitem-D: (R-99-223) ADOPTED AS RESOLUTION R-290669  
(Cor. Copy 04/07/99)

Adoption of a Resolution amending the Progress Guide  
and General Plan, the Carmel Valley Community Plan, the  
Neighborhood 8 Precise Plan and the Local Coastal  
Program.

**CITY MANAGER SUPPORTING INFORMATION:**

The applicant is proposing to include this site in the Carmel Valley Neighborhood 8 Precise Plan, to re-designate 39.9 acres of land from low density single family residential to low-medium density attached residential, and to rezone the site from A-1-10 to MF-2 in order to construct 348 apartment units in 16 two and three story structures, a 7,220 square foot recreation building, related site improvements and amenities, located at 11860 Carmel Creek Road.

This is being accomplished by a Progress Guide and General Plan Amendment, Carmel Valley Planned District Ordinance Amendment, Carmel Valley Community Plan Amendment, Carmel Valley Neighborhood 8 Precise Plan Amendment, Local Coastal Program Amendment, Carmel Valley Planned Development Permit, Resource Protection Ordinance Permit (LDR-96-7614), and a Rezone.

The staff recommends certification of Environmental Impact Report LDR-96-7614, approval of the Findings and Statement of Overriding Considerations, and adoption of the Mitigation, Monitoring, and Reporting Program.

**LEGAL DESCRIPTION:**

The project site (39.9 acres) is located at 11860 Carmel Creek Road and is more particularly described as the northeast quarter of Section 30, Township 14 South, Range 3 West, San Bernardino Meridian, in the Carmel Valley MF-1 zone of the Carmel Valley Community Plan.

FILE LOCATION: SUBITEMS A, C, D: LAND-Progress Guide and General Plan-Carmel Valley Community (09) Planning Area. (Pinnacle Carmel Creek); SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A440-450.)

Hearing began at 11:21 a.m. and halted at 11:22 a.m.

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS GRANTING THE PERMIT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

**SUBJECT:** Matter of Initiation of an Amendment to the San Pasqual Valley Plan and the Progress Guide and General Plan.  
(Hodges Golf Center)

(CUP-98-0466. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-208) ADOPTED AS RESOLUTION R-290670



Adoption of a Resolution to approve initiation of an amendment to the San Pasqual Valley Plan and the City of San Diego Progress Guide and General Plan for the Hodges Golf Improvement Center CUP-98-0466.

**CITY MANAGER SUPPORTING INFORMATION:**

This request is for initiation of an amendment to the San Pasqual Valley Plan to allow a proposed Conditional Use Permit for a golf improvement center on an A-1-10 zoned site designated for agriculture to be consistent with community plan land use.

The 22-acre subject site is located north of Hodges Reservoir at Sunset Drive and Via Rancho Parkway (across from the North County Fair mall). The site is owned by the Water Department and the project applicant, Hodges Golf Center LLC, is also negotiating a lease agreement with the City.

The Municipal Code authorizes either the Planning Commission or the City Council to initiate a land use plan amendment when specific criteria are met. Approval of the initiation authorizes staff to process the proposed community plan amendment for a decision at a future City Council public hearing. The Planning Commission considered the applicant's plan amendment initiation request at their meeting of June 11, 1998. The Commission's determination was that the better public purpose is to maintain the subject site for agriculture in accordance with the recent update of the San Pasqual Valley Plan (June 1995) and to deny the initiation request based on one of the four supplemental criteria for initiation of a land use plan amendment.

Staff's determination is that the proposed plan amendment does meet the four supplemental criteria contained in the Municipal Code for initiation of a land use plan amendment (refer to Planning Commission Report P-98-104) and staff recommends City Council approval of the initiation request.

**FILE LOCATION:**

LAND-Progress Guide and General Plan -  
San Pasqual Valley - Hodges Golf Center  
(9)

COUNCIL ACTION: (Tape location: A379-600.)

Hearing began at 10:41 a.m. and halted at 10:57 a.m.

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

**SUBJECT:** Matter of proposed amendments to the Municipal Code and Land Development Code to enact changes in the City's regulatory process for emergency shelters and transitional housing.

The proposed regulatory changes would affect development in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on implementation of these regulatory changes will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Community and Economic Development Department, Myles E. Pomeroy, 202 "C" Street, 4th Floor, San Diego, CA 92101 before the close of the City Council public hearing.

(City-wide.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in Subitem A; and introduce the ordinances in Subitems B and C:

Subitem-A: (R-99-283) ADOPTED AS RESOLUTION R-290686

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-98-0111 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-37) INTRODUCED, TO BE ADOPTED  
SEPTEMBER 28, 1998

Introduction of an Ordinance amending Chapter X, Article 1, Divisions 1 and 5, of the San Diego Municipal Code, by amending Sections 101.0101.96, 101.0510, and 101.0581, relating to the Implementation of Regulatory Changes for Homeless Facilities.

Subitem-C: (O-99-38) INTRODUCED, TO BE ADOPTED  
SEPTEMBER 28, 1998

Introduction of an Ordinance amending Chapter 14, Article 1, Divisions 3 and 4 of the San Diego Municipal Code (Land Development Code), by amending Sections 141.0313 and 141.0412 relating to Homeless Facilities.

FILE LOCATION: Subitem A: LAND - Progress Guide and General Plan, Housing Element Provisions; Subitem B,C: None

COUNCIL ACTION: (Tape location: D324-350.)

Hearing began at 2:38 p.m. and halted at 2:39 p.m.

MOTION BY STALLINGS TO ADOPT THE RESOLUTION AND INTRODUCE THE ORDINANCES. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

**SUBJECT:** Matter of an Extension of Time for a Vesting Tentative Map, a Planned Residential Development Permit, a Resource Protection Ordinance Permit, and a Rezone within the boundaries of the Otay Mesa Community Plan area. (South Palm Vista)

(EOT/VTM/PRD/RPO/RZ-98-0270. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce Subitem A; adopt Subitems B and C to grant the map and permits for an Extension of Time.

Subitem-A: (O-99- ) INTRODUCED, TO BE ADOPTED  
SEPTEMBER 28, 1998

Introduction of an Ordinance for A-1-10, R1-5000/Small Lot Overlay and Hillside Review Overlay Zone.

Subitem-B: (R-99-438) GRANTED EXTENSION OF TIME FOR  
MAP, ADOPTED AS RESOLUTION  
R-290671

Adoption of a Resolution granting or denying the Extension of Time for the map, with appropriate findings to support Council action.

Subitem-C: (R-99-439) GRANTED EXTENSION OF TIME FOR  
PERMIT, ADOPTED AS RESOLUTION  
R-290672

Adoption of a Resolution granting or denying the  
Extension of Time for the permit, with appropriate  
findings to support Council action.

**CITY MANAGER SUPPORTING INFORMATION:**

This 73-lot Vesting Tentative Map for development of a  
70-dwelling unit Planned Residential Development/Resource  
Protection Ordinance Permit has not developed in the initial  
three years granted by the City Council on April 12, 1994, and a  
one year extension granted by the State of California. A three  
year Extension of Time (EOT) is requested with a rezone ordinance  
to implement the development proposed.

The Otay Mesa Community Planning Committee has not indicated a  
recommendation on this request.

On July 9, 1998, the Planning Commission voted 5-0 (Commissioner  
Skorepa absent) to recommend to the City Council, the adoption of  
the City Manager's recommendations for the proposed project.

There was no opposition presented at the Planning Commission  
public hearing for the South Palm Vista EOT and staff has  
received no written or other opposition to the project during the  
processing of this request.

The City Manager recommends the City Council approve the Rezone  
Ordinance, the Vesting Tentative Map Resolution and the Planned  
Residential/Resource Protection Overlay permits.

**LEGAL DESCRIPTION:**

The project site is located on the east side of Interstate 805  
between Palm Avenue to the north and Otay Mesa Road to the south

and lies within the boundaries of the California Terraces Precise Plan and Otay Mesa Community Plan areas and is more particularly described as the West 1/2, Northwest 1/4, Southwest 1/4, Section 30, Township 18 South, Range 1 West, SBBM.

FILE LOCATION: SUBITEM B & C: (65) 98-0270  
SUBITEM A: NONE

COUNCIL ACTION: (Tape location: A379-600.)

Hearing began at 10:41 a.m. and halted at 10:59 a.m.

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS GRANTING THE EXTENSION OF TIME FOR THE MAP AND PERMIT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Request to Bid Offsite Improvements - 8th Avenue,  
Between F and G Streets.

(See memorandum from CCDC dated 8/19/98. Centre City  
Community Area. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-249) ADOPTED AS RESOLUTION R-290689

Making findings with respect to the payment for installation and construction of certain off-site improvements on Eighth Avenue, between F and G Streets, in the Expansion Sub Area of the Centre City Redevelopment Project.

**NOTE:** See the Redevelopment Agency Agenda of 9/8/98 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D354-368.)

MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

**SUBJECT:** City Manager Evaluation of La Jolla Traffic and Parking Task Force Recommendations.

(See City Manager Report CMR-98-169. La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-30) ADOPTED AS RESOLUTION R-290690

Adopting the City Manager's recommendations with respect to the La Jolla Traffic and Parking Task Force recommendations:

1. Supporting the concept of creating a La Jolla Parking Improvement Board (PIB) to operate within the legal framework of the existing Promote La Jolla, Inc., as endorsed by Promote La Jolla, Inc., the Community Planning Association, and the La Jolla Town Council.

Urging the City Manager, Promote La Jolla, Inc., the Community Planning Association, the La Jolla Town Council, and the community of La Jolla to work cooperatively and expeditiously to take formal actions necessary to amend the corporate structure of Promote La Jolla, Inc., to recognize the PIB as responsible for implementation of parking improvement projects within the Business Improvement District of La Jolla.

2. Directing the City Manager to develop and implement a comprehensive uniform signage program for the Village circulation and parking.
3. At this time, the City Council does not support the concept of pedestrianizing the upper portion of the Prospect Street Dip between Girard Avenue and Herschel Avenue.
4. At this time, the City Council does not support the concept of establishing a fee-based in-lieu parking program.
5. Directing the City Manager to return to Council with amendments to San Diego Municipal Code Sections 103.1207(C) and 103.1207(E) to eliminate, as appropriate, the Small Lot and Minor Addition exemptions from parking requirements.
6. Directing the City Manager to continue discussions with CalTrans to place signs identifying La Jolla Cove on Freeways 5 and 52.
7. The City Council does not approve the concept of converting Prospect Street to one way westbound from Cave Street to Girard Avenue plus Cave Street one way eastbound from Ivanhoe Avenue to Prospect Place.



8. The City Council does not approve the concept of closing Exchange Place at Prospect Place.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G378-612.)

MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-99-299) ADOPTED AS RESOLUTION R-290673

A Resolution adopted by the City Council in Closed Session on September 8, 1998.

Authorizing the City Manager to pay the sum of \$2,586,473 in the settlement of each and every claim against the City of San Diego, its agents and employees, in San Diego Superior Court Case No. 712102, Claudia Martinez v. City of San Diego, et al, resulting from personal injuries; authorizing the City Auditor and Comptroller to issue one check in the amount of \$900,000, made payable to Claudia G. Martinez and the Law Offices of Contreras and Gomez, her attorneys of record; and, one in the amount of \$1,686,473, made payable to CNA, in full settlement of all claims.

Aud. Cert. 9900226

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:29 p.m. in honor of the memory of:

Captain Lesli Lord as requested by Mayor Golding;

Detective Anthony Castellini as requested by Mayor Golding;

Ruth Merrill as requested by Mayor Golding and Council Member Mathis;

Taren Hamilton Cooper as requested by Council Member Warden;

Robert Kyle as requested by Council Member Warden; and

Manuela "Lily" Perez as requested by Council Member Vargas.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I487-595).